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55 Ind. 576; *Stultz v. State*, 65 Ind. 492. See also *State v. Lyons*, 31 Ia. 432; HIGH, EXTRAORDINARY LEGAL REMEDIES, § 618. The reason for the above conflict would seem to be that the courts, in some instances, have divided remedies into three classes: (1) Legal; (2) Equitable; (3) Extraordinary Legal. Instead of making the third class a part of and subordinate to the first, they have placed it in a coordinate position with the two other great classes into which all remedies are divided, viz.: legal and equitable. In other words they have modified the fundamental rule, that where there is an adequate remedy at law, courts of equity will not grant relief, and in its place have in effect laid down the doctrine that where there is a remedy in equity, an extraordinary legal remedy will not be granted. That this is an anomaly in our system of jurisprudence is self-evident. ROBERTS, EXTRAORDINARY LEGAL REMEDIES, page 326.

RAILROADS—SEPARATE ACCOMMODATIONS FOR WHITE AND COLORED RACES—DUTY TO FURNISH.—Ky. St. § 795 (Russell's St.) provides that a railroad company operating cars in the State shall furnish separate coaches for the transportation of white and colored passengers, but that each compartment of a coach divided by a substantial wooden partition with a door therein shall be deemed a separate coach within the meaning of the act. The Illinois Central Railroad was indicted under this statute for neglecting to provide separate cars and compartments on cars operated by it for the transportation of white and colored passengers. *Held*, a Pullman sleeping car controlled wholly by the servants of the Pullman Company, when it does not appear that the carrier was paid anything by the Pullman Company for handling the sleeper, and that the only benefit it derived therefor was the inducement for increased travel, was not operated by the carrier within the meaning of the above statute, and the carrier not being required to furnish sleeping cars under the act, was not liable thereunder for hauling a sleeper which contained no separate compartments for white and colored passengers, or for failing to compel a colored passenger therein to enter the separate compartment of the day coach set aside for his race. *Commonwealth v. Illinois Cent. R. Co.* (1911), — Ky. —, 133 S. W. 1158.

The constitutionality of the statute under consideration is beyond question. *C. & O. Ry. Co. v. Kentucky*, 179 U. S. 388, 21 Sup. Ct. 101, 45 L. Ed. 244. The principal case is of importance in that it presents an interesting development of what is popularly termed "Jim Crow" legislation. It would seem to be a case of first instance touching the duty of railroad companies to furnish separate accommodation for the transportation of the white and colored races in sleeping cars. The court interprets the word "coaches" as being synonymous with the word "day coaches," and states that the railroad company was under no duty to furnish sleeping cars for its train, the reason for this construction of the statute being that it was a highly penal one, and therefore should be strictly construed. The tendency of the courts as revealed by this case would seem to be: (1) Sleeping cars not owned by railroad companies are excluded from the operation of the ordinary statute requiring separate accommodation for the transportation of the white and

colored races; (2) In order to secure separate accommodation for the respective races in sleeping cars, express legislative enactment will be necessary, because the courts will not make this extension in the construction of a statute which is general in its terms.

STATES—ADJUSTMENT OF PUBLIC DEBT BETWEEN VIRGINIA AND WEST VIRGINIA.—Virginia filed a bill in the Supreme Court of the United States, seeking an adjustment of the amount due from West Virginia as the equitable proportion of the public debt of the original State of Virginia that was assumed by West Virginia at the time of its creation as a State. Without putting its judgment into the form of a final decree, the court *held*, that the ratio should be determined according to the valuation of the real and personal property of the two States on the date of their separation, excluding slaves, and subject to the further qualification that the difference between Virginia's share on this ratio and the amount that her creditors were content to accept from her should be deducted from the sum to be apportioned. *Commonwealth of Virginia v. State of West Virginia* (1911), 31 Sup. Ct. 330.

The grounds of Virginia's claim are matters of public history. After the Virginia ordinance of secession, citizens of the part that became West Virginia organized a government that was recognized by the government of the United States as the State of Virginia, being called the "restored State." Then followed the Wheeling Convention, and the Wheeling Ordinance, looking to the formation of a new State. § 9 of the Wheeling Ordinance provided that West Virginia's share of the old debt should be ascertained by charging to it all State expenditures within the limits thereof and a just proportion of the ordinary expenses of the State Government since any part of the said debt was contracted, deducting, however, the money paid into the State Treasury by the West Virginia portion of the old State during that same period. Art. 8, § 8 of the Constitution adopted by West Virginia provided that an "equitable proportion" of the public debt of the Commonwealth of Virginia prior to January 1, 1861, should be assumed by West Virginia and that the legislature should ascertain the same as soon as possible and provide for the liquidation thereof. An act of the legislature of the so-called restored State of Virginia, passed May 13, 1862, gave the consent of that legislature to the erection of the new State, "under the provisions set forth in the Constitution for the said State of West Virginia." Finally, Congress gave its sanction by an act of Dec. 31, 1862, chap. 6, 12 Stat. at L. 633. All three—Congress, Virginia and West Virginia—had to consent to conform to Art. IV, § 3 of the U. S. Constitution. Their three respective documents, together, constituted a contract between the old State and the new (*Va. v. W. Va.*, 11 Wall. 39). Nor was it modified or affected by the preliminary suggestions of the Wheeling Ordinance, which was not mentioned in any of the other documents. The whole amount of the old debt on Jan. 1, 1861, was found by the master to have been \$33,897,073.82, being represented largely by interest bearing bonds. Adopting the ratio of the value of the real and personal property of the two States on June 20, 1863, the date of separation, that is, Virginia, \$300,887,367.74 and West Virginia, \$92,416,021.65, Virginia's